

# **Salisbury Home Rule Charter**

As approved at the 2010 Annual Town Election

## **Report of the 2009 Salisbury Home Rule Charter Committee**

The voters in the general election held in May 1989 approved the Town of Salisbury Charter, officially known as the Salisbury Home Rule Charter. By that vote, townspeople established our present form of Town government, that is, a five member Board of Selectmen that makes policy and supervises the Town, a Town Meeting that approves the budget, other warrant articles, and by-laws, and a Town Manager who administers the affairs of the Town.

The Charter is the foundation document for governance of the Town. The structure, responsibilities, and reporting requirements specifically articulated in this document are meant to establish a best practices outline for governing Salisbury.

Article 7, §7 of the Charter requires that a volunteer committee appointed by the Moderator conduct a periodic review of the Charter every ten years. In keeping with this provision, the Moderator appointed a Charter Review Committee, which met for the first time on May 14, 2009. Subsequent meetings were held throughout the months of June, July, August and early September 2009. A public hearing on the proposed amendments was held on August 10, 2009.

The objectives of the Charter Review Committee were to: (1) determine which portions of the Charter had become irrelevant since the prior review was conducted ten years ago; (2) determine which provisions were not being followed and decide if those provisions should be eliminated or enforced; (3) incorporate new provisions as current events dictate; and (4) edit the Charter for typos, misspellings, grammatical errors and punctuation mistakes.

In carrying out its mission, the Charter Review Committee interviewed the Town Manager and the Town Clerk and received input from members of the Board of Selectmen, the Town Moderator, department heads and the public. Expert advice was provided by Ms. Marilyn Contreas of the Commonwealth's Department of Housing and Community Development.

The committee made a number of significant changes that were approved by the 2009 Fall Town Meeting and the voters at the 2010 Annual Town Election. In Article 2, §2-2, Presiding Officer, instructions for filling an unexpected vacancy in the Town Moderator position were inserted. In Article 3, §3-1, Recall of Elected Officers, notification periods were extended. In Article 4, §4-2, Powers and Duties (of the Town Manager), a new paragraph was added regarding Homeland Security. In Article 7, §7-9 (g), Procedures Governing Multi Member Bodies, the committee inserted a requirement that members of multimember bodies be voters but, that Town employees and non-voters be allowed to serve on the Board of Assessors, the Beach Overlay District Design Review Committee, Ad Hoc committees and as non-voting advisors when multimember bodies need a particular expertise. Finally, the committee inserted wording throughout the document to require that official documents be made available to the public electronically and in writing.

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The committee noted a number of reporting and operational requirements specifically articulated in the Charter that are not being met on a consistent basis or are being met with only minimal compliance. The committee feels it's necessary to emphasize the importance of compliance with all the requirements specifically addressed in the Charter. The majority of these requirements are included in the Charter because current and past Charter review committees thought they provided essential disclosure and critical communications to the voters of the Town. Given that legislative power resides with Town Meeting, these disclosures and reporting requirements perform an essential role in informing Town Meeting participants – the registered voters of the Town. Given the widespread availability of the internet and the ability to offer electronic information easily and quickly, the committee encourages the electorate to require that Town agencies comply fully with the reporting mandates outlined in the Charter.

It should be noted that the committee vigorously pursued full disclosure of its activities and aggressively sought input from the public and employees of the Town. All meetings and agendas were posted on the Town's bulletin board and its website 48 hours in advance of the meetings. All minutes were posted on the web and made available in hard copy at the Town Clerk's office and at the library. The Charter, with the proposed amendments highlighted, was sent to Town officials and department heads and made available in hard copy and electronically on the web. The public hearing held on August 10<sup>th</sup> was televised live on Salisbury Community TV and reports of the committee's activities were announced on television and in the local newspaper.

In closing, the 2009 Salisbury Home Rule Charter Committee wishes to thank the Town Moderator for choosing them to serve the people of Salisbury in this important capacity.

Respectfully submitted,

Bob Carroll, Chairman  
Mike Gilbert, Vice Chairman  
Bob Straubel, Clerk  
Harold Congdon  
Mary Cuddire  
Jim Dondero  
Ed Hunt

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**[HISTORY: Adopted by the Town of Salisbury 5-9-1989 under Question 7 of the 1989 Annual Town Election; amended under Question 2 of the 2000 Annual Town Election. Amended under Questions 1 through 7 of the 2010 Annual Town Election.**

## **ARTICLE 1 INCORPORATION; SHORT TITLE; POWERS**

### **Section 1-1: Incorporation**

The inhabitants of the Town of Salisbury, within the corporate limits as established by law, shall continue to be a body corporate and politic with perpetual succession under the name "Town of Salisbury."

### **Section 1-2: Short Title**

This instrument shall be known and may be cited as the Salisbury Home Rule Charter.

### **Section 1-3: Powers of the Town**

Subject only to express limitation of the exercise of any power or function by a municipality in the constitution or laws of the Commonwealth, it is the intent and the purpose of the voters of Salisbury to secure through the adoption of this Charter, all of the powers it is possible to secure for a municipal government under the constitution and laws of the Commonwealth.

### **Section 1-4: Division of Powers**

The supervision of all of the fiscal, prudential and municipal affairs of the Town shall be vested in the Board of Selectmen. The administration of these affairs shall be the responsibility of the Town Manager. The legislative powers of the Town shall be vested in a Town Meeting open to all registered voters.

### **Section 1-5: Construction**

The powers of the Town of Salisbury, under this Charter, are to be construed liberally in its favor and the specific mention of any particular power is not intended to limit in any way the general powers of the Town of Salisbury as stated in Section 1-3.

## **Intergovernmental Relations**

The Town may enter into lawful agreements with any other unit of government to perform jointly or in cooperation, by contract or otherwise, any of its powers or functions.

## **Section 1-7: Precedence of Charter Provisions**

To the extent any by-laws, votes, rules or regulations of or pertaining to the Town of Salisbury, are in force and contravene or otherwise conflict with the provisions of this Charter, then the Charter provisions shall take precedence over said existing by-laws, votes, rules or regulations, excepting such votes as are expressly intended to amend this Charter.

## **Section 1-8: Gender**

For the purpose of this Charter, all references to officers, employees or other persons shall be read as applying equally to males and females, regardless of gender of pronoun used.

# **ARTICLE 2 LEGISLATIVE BRANCH<sup>1</sup>**

## **Section 2-1: Town Meeting**

The legislative powers of the Town shall continue to be exercised by a Town Meeting open to all voters.

## **Section 2-2: Presiding Officer**

The Moderator, elected as provided in Section 3-3, shall preside at all sessions of the Town Meeting. Annually, at the first session of the Spring Town Meeting, the Moderator shall appoint a Deputy Moderator to serve as Acting Moderator in the event of the temporary absence or disability of the Moderator. The appointment of a Deputy Moderator shall be subject to ratification by the Town Meeting. If a permanent vacancy in the position of Moderator should occur, the Deputy Moderator shall serve as Moderator until the next scheduled Town Election at which time a Moderator shall be elected to serve a full term.

The Moderator, at Town Meetings, shall regulate the proceedings, decide all questions of order, make public declaration of all votes and exercise such additional powers and duties as may be authorized by general law, by this Charter, by by-law or by other vote of the Town Meeting.

## **Section 2-3: Committees**

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<sup>1</sup> Town Meeting By-Law, Chapter 233 of the General By-Laws of the Town of Salisbury



- (a) In General — Subject to the provisions of this Charter and such by-laws or other Town Meeting votes regarding committees as may be provided, the Moderator shall appoint, for fixed terms, the members of such committees of the Town Meeting special or standing, as

may be provided to a Town Meeting Committee by the by-law or vote establishing it. Each such committee, when acting within the scope of its authority, shall have a right to examine the pertinent records of any Town agency and to consult with, at reasonable times, any Town officer, employee, or agent.

- (b) Warrant Advisory Committee – Members of the Warrant Advisory Committee shall be appointed by the Town Moderator. The number of members, the term of office, and any other conditions of appointment or service as may be deemed necessary or desirable, shall be as established by by-law. The subject matter of all proposals to be submitted to a Town Meeting by warrant articles shall be referred to the Warrant Advisory Committee upon receipt by the Board of Selectmen. The Warrant Advisory Committee shall report its recommendations on every article contained in a Town Meeting Warrant, in writing, together with a brief statement of the reasons for each such recommendation. The recommendations and the reasons for them shall be published both electronically and in print. Before preparing its recommendations, the Warrant Advisory Committee shall hold one or more public hearings to permit public discussion of the subject matter of all articles contained in the Warrant.<sup>2</sup>

#### **Section 2-4: Time of Meetings**

The Town Meeting shall meet in regular session at least twice in each calendar year. The first such meeting, shall be deemed the Annual Town Meeting and shall be held during March, April, May, or June, on a date fixed by by-law. It shall be primarily concerned with the determination of matters involving the expenditure of Town funds including, but not limited to, the adoption of an annual operating budget for all Town agencies, for the purpose of electing officers, and for the determination of all other matters to be decided by ballot of the voters. The second such meeting, the powers of which shall also be deemed to be those of an Annual Town Meeting, except that it shall not include the election of officers or the determination of other matters to be decided by ballots of voters, shall be held during the last four calendar months, on a date fixed by by-law.

#### **Section 2-5: Special Meetings**

Special Meetings: The Town Meeting shall also convene in special session; (a) by call of the Board of Selectmen, or (b) by petition of at least two hundred registered voters of the town.

#### **Section 2-6: Warrants**

Every Town Meeting shall be called by a warrant issued by the Board of Selectmen, which shall state the time and place at which the meeting is to convene and, by separate articles, the subject matter to be acted upon. The publication of the warrant for every Town Meeting shall be in

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<sup>2</sup> See Chapter 30, Article II of the General By-Laws of the Town of Salisbury

accordance with a Town by-law governing such matters.

### **Initiation of Warrant Articles**

- (a) Initiation – The Board of Selectmen shall receive at any time all petitions addressed to it which request the submission of any matter to the Town Meeting and which are filed by: (1) any elected Town officer, (2) any multiple member body acting by a majority of its members, (3) any ten voters, or (4) the Town Manager.
- (b) Referral – Forthwith following receipt of any proposed warrant article the Board of Selectmen shall cause a copy of the proposal to be delivered to the residence of the chairperson of the Warrant Advisory Committee, a copy to be posted on the Town bulletin board and such other distribution of each such proposal as may be required by by-law.
- (c) Inclusion on Warrant – The Board of Selectmen shall include on the warrant for a regular Town Meeting the subject matter of all petitions which have been received by it thirty or more days prior to the date fixed by by-law for the Town Meeting to convene. Whenever a Special Town Meeting is to be called, the Board of Selectmen shall give notice at least forty-five days prior to the calling of a Special Town Meeting by publication in a local newspaper and electronically of such intention, except as otherwise provided by statute. The Board of Selectmen shall include in the warrant for such Special Town Meeting the subject matter of all petitions, which are received at its office on or before 1:00 PM on the thirtieth day prior to the date of the Special Town Meeting.

### **Section 2-8: Availability of Town Officials at Town Meetings**

Every Town officer, the chairperson of each multiple member body, the head of each department and the head of each division within the said departments shall attend all sessions of the Town Meeting for the purpose of providing Town Meeting with information pertinent to matters appearing in the warrant.

In the event any Town officer, chairperson of a multiple member body, department head or division head is to be absent due to illness or other reasonable cause, such person shall designate a deputy to attend to represent the office, multiple member body, department or division. If any person designated to attend the Town Meeting under this section is not a voter, such person shall, notwithstanding, have a right to address the meeting for the purpose of compliance with this section. At least once annually the Town Manager shall provide written notice regarding the provisions of this section to the members of all Town multi-member bodies.

### **Section 2-9: Clerk of the Meeting**

The Town Clerk shall serve as Clerk of the Town Meeting, give notice of all adjourned sessions thereof, record its proceedings, and perform such additional duties in connection therewith as may be provided by general law, by this Charter, by by-law, or by other Town Meeting vote. Such records shall be made available in the office of the Town Clerk for examination by the public within ten days after their adoption.

## **Section 2-10: Rules of Procedure**

The Town Meeting may, by by-law, establish and from time to time amend, revise or repeal rules to govern the conduct of all Town Meetings.

## **ARTICLE 3 ELECTED OFFICERS**

### **Section 3-1: In General**

- (a) Elective Offices – The offices to be filled by the voters shall be a Board of Selectmen, a Triton Regional School District Committee, and a Town Moderator. In addition, members of such other offices or representatives to regional authorities or districts as may be established by statute or by inter-local agreement may also be filled by ballot at Town elections.
- (b) Eligibility – Any voter shall be eligible to hold any elective Town office; however, no person shall simultaneously hold more than one elected Town office as defined in this section.
- (c) Town Election – The annual election of Town officers, and for the determination of all questions to be referred to the voters, shall be held on such date as may from time to time be provided by by-law.
- (d) Compensation – Elected Town officers may receive such compensation for their services as may be appropriated from time to time for such purpose.
- (e) Coordination – Notwithstanding their election by the voters, the Town officers named in this section shall be subject to the call of the Board of Selectmen or of the Town Manager at all reasonable times for consultation, conference and discussion on any matter relating to their respective offices.
- (f) Filling of Vacancies of Elected Offices
  - (1) Multiple Member Body – If there is a vacancy in the Triton Regional School District Committee the filling of that vacancy shall be accomplished in accordance with the Triton Regional School District Agreement.
  - (2) Board of Selectmen – if there is a failure to elect or if a vacancy occurs in the office of Selectman and six months or more will elapse before the next annual Town election, the remaining selectmen shall forthwith call a special election to fill the vacancy. If a vacancy occurs in the office of Selectman, and more than three, but less than six months, will elapse before the next annual Town election, the remaining selectmen may call a special election to fill the vacancy and shall, in such circumstance, forthwith, call such special election upon the request in writing of two hundred or more registered voters of the Town.
- (g) Recall of Elected Officers

- (1) Application – Any person who holds an elected Town office, with more than six months remaining of the term of office at the time of the filing of the application, may be recalled from the office by the voters in the manner provided in this section.
- (2) Recall Petitions – A recall affidavit containing the name of the officer whose recall is sought and a statement of the grounds for recall, signed by at least fifty voters in each of the precincts into which the Town is divided, shall be filed with the Town Clerk. The Board of Registrars of Voters shall certify such affidavit with regard to the sufficiency and validity of the signatures of voters and within five working days following such filing the Town Clerk shall deliver to the ten persons first named on such affidavit petition blanks demanding said recall, printed forms of which the Town Clerk shall keep available. The blanks may be completed by printing or typewriting; they shall be addressed to the Board of Selectmen; they shall contain the names of the ten persons to whom they are issued and the grounds for recall as stated in the affidavit; they shall demand the election of a successor to the office; they shall be dated and signed by the Town Clerk. A copy of the petition shall be entered into the record book to be kept in the office of the Town Clerk.

The recall petitions shall be returned to the office of the Town Clerk within fourteen days following the date they are issued, signed by at least ten percent of the registered voters in each precinct as of the last regular election.

The Town Clerk, within two days following such filing, shall submit the petition to the Board of Registrars of Voters, which shall within five days thereafter, certify such petition with regard to the sufficiency and validity of the signatures of voters.

- (3) Recall Elections – If the petitions are certified by the Board of Registrars of Voters, the Town Clerk shall forthwith submit the same with a certificate to the Board of Selectmen. Upon receipt of the certified petitions, the Board of Selectmen shall forthwith give notice in writing of said petitions to the officer whose recall is sought. If said officer does not resign from office within five days following delivery of the said notice, the Board of Selectmen shall order a special election to be held not less than sixty-five days, nor more than seventy-five days, after the date of the certification of the Town Clerk that the petitions are sufficient; provided, however, that if a regular annual Town election is to be held within ninety days following the date of said certification the recall election shall be held in conjunction therewith and not at a special election. If a vacancy occurs in the office after a recall election has been ordered, the election shall nevertheless proceed as provided in this section, but only the ballots for candidates need be counted.

Within five days after receipt of the written notice, the elected official may request a public hearing by filing a written request for such hearing with the Board of Selectmen. This hearing shall be held at a meeting of the Board of Selectmen not later than twenty days nor earlier than ten days after the request is filed. The elected official may file a written statement responding to the reasons stated in the resolution of removal with the Board of Selectmen provided the same is received by the Board of Selectmen more than forty-eight hours in advance of the public hearing.

- (4) Nomination of Candidates – An officer sought to be recalled may be a candidate to succeed to the same office and, unless the officer requests otherwise in writing, the Town Clerk shall

place the name of the officer on the ballot without nomination. The nomination of other candidates, the publication of the warrant for the recall election, and the conduct of the same shall all be in conformity with the provisions of law relating to Town election generally, unless otherwise provided in this section.

- (5) Propositions on the Ballot – Ballots used at the recall election shall state the proposition as indicated:

Shall (name of officer), (name of office), be recalled \_\_\_ Yes \_\_\_ No

Adjacent to each proposition shall be a place to vote for said proposition. After the said proposition shall appear the word "candidates" and the names of candidates arranged by a lottery drawn by the Town Clerk. If a majority of the votes cast is in favor of the recall, and provided at least twenty-five percent of the total number of voters as of the date of the most recent Town election have participated at such recall election, the officer shall be deemed to be recalled and the ballots for candidates shall then be counted, and the candidate receiving the highest number of votes shall be declared elected.

- (6) Officeholder – The incumbent shall continue to hold office and perform the duties until the recall election. If not then recalled, the officer shall continue in office for the remainder of the unexpired term, subject to recall as provided in paragraph (7) below.

If the officer is recalled, the office shall be deemed vacant upon the certification of the election results. The candidate who receives the highest number of votes shall serve for the balance of the unexpired term.

- (7) Repeat of Recall Petition – No repeat recall shall be filed in the case of an officer subjected to a recall election and not recalled thereby, until at least six months after the election at which the recall was submitted to the voters.
- (8) Appointment of Person Recalled – No person who has been recalled from an office, or who has resigned from office while recall proceedings were pending against them, shall be appointed to any Town office within two (2) years after such recall or such resignation.

### **Section 3-2: Board of Selectmen**

- (a) Composition, Term of Office – There shall be a Board of Selectmen consisting of five members elected for terms of three years each, so arranged that the terms of as nearly an equal number of members as is possible shall expire each year.
- (b) Powers and Duties – The executive powers of the Town shall be vested in the Board of Selectmen, which shall be deemed to be the Chief Executive Office in the Town. The Board of Selectmen shall serve as the chief policy-making agency of the Town. It shall be responsible for the issuance of policy directives and guidelines to be followed by all Town agencies serving under it and, in conjunction with other Town officers, to develop and to promulgate policy guidelines designed to bring all agencies of the Town into harmony; provided, however, that nothing in this section shall be construed to authorize any member of the Board of Selectmen, nor a majority of them, to become involved in the day-to-day administration of any Town agency. It is the intent of this provision that the Board of Selectmen shall act only through the adoption of broad policy guidelines, which are to be implemented by officers and employees appointed by or under its authority.

The Board of Selectmen shall cause a record of all its official acts to be kept. To aid in the performance of its duties, the Board of Selectmen shall appoint a Town Manager as provided in Article 4.

- (c) Appointment Powers – The Board of Selectmen shall appoint a Town Manager, a license commission, library trustees, historical commission, registrars of voters (but not the Town Clerk), local cultural council, four members of a housing authority, a planning board, a harbor commission, a rent control board, the council on aging, an affordable housing trust, and Town Counsel. The Board of Selectmen shall appoint such other Town officers and members of multiple member bodies, the primary responsibilities of which are policy making and not administrative, as may be provided by by-law.<sup>3</sup>
- (d) Licensing Authority – The Board of Selectmen shall be the licensing board for the Town and shall have a power to issue licenses as otherwise authorized by law; to make all necessary rules and regulations regarding the issuance of such licenses and to attach conditions and impose restrictions, as deemed to be in the public interest, and to enforce all laws relating to all businesses for which it issues any licenses; with the exception of the licenses for the manufacture and sale of intoxicating liquors.

There shall be a Board of License Commissioners in accordance with Chapter 31 of the Acts and Resolves of 1958 "To Provide for the Creation of a Board of License Commissioners in the Town of Salisbury." All licenses issued for the sale of intoxicating liquors shall be issued only by the Board of License Commissioners, and all the powers and duties relating to said licenses or the sale of intoxicating liquors now or hereafter vested in the Selectmen of Towns shall be exercised and performed by the said Board.

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<sup>3</sup> See Chapter 30 of the General By-Laws of the Town of Salisbury

### **Section 3-3: Town Moderator**

- (a) Term of Office – There shall be a Town Moderator elected for a term of three years.
- (b) Powers and Duties – The Town Moderator shall be the presiding officer of the Town Meeting, as provided in Section 2-2, regulate its proceedings, and perform such other duties as may be provided by general law, by Charter, by by-law, or by other Town Meeting vote.
- (c) Appointment Powers – The Moderator shall appoint the Warrant Advisory Committee, the Charter Review Committee, the Parks and Recreation Commission, and all other standing committees of the Town Meeting and all committees authorized by the Town Meeting for a primarily legislative purpose.

### **Section 3-4: Regional School Committees**

- (a) Composition, Term of Office – There shall be a Triton Regional School District Committee which shall be elected in accordance with the Triton Regional School District Agreement.
- (b) Powers and Duties – The Triton Regional School District Committee shall have all of the powers and duties given to school committees by the laws of the Commonwealth. The Triton Regional School District Committee shall have general charge of the public schools in the Town, and shall have such additional powers and duties as may be authorized by the Charter, by by-law, by Town Meeting vote, or the provisions of the Triton Regional School District Agreement.
- (c) There shall be a representative to the Whittier Regional Vocational Technical School Committee who shall be appointed in accordance with the Whittier Regional Vocational Technical District Regional Agreement.

## **ARTICLE 4 TOWN MANAGER**

### **Section 4-1: Appointment; Qualification; Term**

The Board of Selectmen shall appoint a Town Manager from a list prepared by a screening committee as prescribed by the Town Manager Screening Committee By-Law.<sup>4</sup> The Board of Selectmen shall appoint the Town Manager to serve for a term fixed by contract and shall fix the compensation for such person annually within the amount appropriated by the Town. The Town Manager shall be appointed solely on the basis of demonstrated executive and administrative qualifications and shall be a person especially fitted by education, training, and previous experience in public administration to perform the duties of the office. The Town

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<sup>4</sup> See Chapter 30, Article IV of the General By-Laws of the Town of Salisbury

may, from time to time, establish by by-law, such additional qualifications as seem necessary and appropriate.

The Town Manager shall devote full time to the office and shall not hold any other public office, elective or appointive, within the Town of Salisbury, nor engage in any other business or occupation during such service, unless such action is approved in advance and in writing by the majority of the Board of Selectmen.

The Board of Selectmen shall provide for an annual review of the job performance of the Town Manager in accordance with his or her contract.

The Town Manager shall execute a bond in favor of the Town for the faithful performance of his duties in such sum and with such surety or sureties as may be fixed or approved by the Board of Selectmen.

#### **Section 4-2: Powers and Duties**

The Town Manager shall be the chief administrative officer of the Town, directly responsible to the Board of Selectmen for the administration of all Town affairs for which the office of Town Manager is given responsibility by or under this Charter. The powers and duties of the Town Manager shall include, but are not intended to be limited to, the following:

- (a) To supervise, direct, and be responsible for the efficient administration of all functions and activities for which the office of Town Manager is given authority, responsibility or control by this Charter, by by-law, by Town Meeting vote, by vote of the Board of Selectmen, or otherwise.
- (b) To appoint, and in appropriate circumstances to remove, subject to the provisions of the civil service law and of any collective bargaining agreements as may be applicable, all department heads, officers, members of boards and commissions, and employees for whom no other method of selection is provided by this Charter. Copies of the notices of all such appointments shall be submitted to the Town Clerk to be publicly posted and to the Board of Selectmen.
- (c) To develop and administer a Town personnel system, including, but not limited to, personnel policies and practices, rules and regulations, including provisions for an annual employee performance review, personnel by-law and collective bargaining agreements entered into by the Town. The Town Manager shall also prepare and keep current a plan establishing the personnel staffing requirements for each Town agency. The Town Manager shall have no operational responsibility for schools.
- (d) To attend all regular and special meetings of the Board of Selectmen, unless unavailable for reasonable cause and shall have a voice, but no vote, in all of its proceedings.
- (e) To ensure that full and complete records of the financial and administrative activities of the Town are kept, and to render as often as may be required by the Board of Selectmen, but not less than once in each year, a full report of all Town administrative operations



during the period reported on as required by Massachusetts General Laws,<sup>5</sup> which report shall be made available to the public in print and electronically.

- (f) To keep the Board of Selectmen fully advised as to the needs of the Town and recommend to the Board of Selectmen and other elected Town officers and agencies for adoption, such measures requiring action by them or by the Town Meeting as the Town Manager may deem necessary or expedient.
- (g) To have full jurisdiction over the rental and use of all Town facilities and property, except school property. The Town Manager shall be responsible for the maintenance and repair of all Town buildings and facilities placed under the Town Manager's control by this Charter, by by-law, by vote of the Town, or otherwise.
- (h) To prepare and present, in the manner provided in Article 6, an annual operating budget for the Town and a proposed capital outlay program for the five fiscal years next ensuing.
- (i) To ensure that a full and complete inventory of all property of the town, both real and personal, is kept.

Within thirty days of the completion of the annual inventory, the Town Manager shall submit a list of surplus property, if any, to the Board of Selectmen. A list of such surplus items shall also be publicly posted.

- (j) To negotiate and present to the Board of Selectmen for their ratification, all contracts involving any subject within the jurisdiction of the office of Town Manager, including all contracts with Town employees involving wages, hours, and other terms and conditions of employment.
- (k) To be responsible for purchasing all supplies, material and equipment for all departments and activities of the Town. The Town Manager shall examine, or cause to be examined, the quantity, quality and condition of all supplies, material, services and equipment delivered to or received by any Town agency. The Town Manager shall be responsible for the disposal of all supplies, material and equipment that has been declared surplus by any Town agency.
- (l) To see that all of the provisions of the general laws, of this Charter, Town By-Laws and votes of the Town Meeting, and votes of the Board of Selectmen which require enforcement by the Town Manager or officers subject to the direction and supervision of the Town Manager, are faithfully executed, performed, or otherwise carried out.
- (m) To inquire at any time into the conduct and operation of any office or performance of any officer or employee, department, board, commission, or other Town agency.
- (n) To attend all sessions of all Town Meetings and answer all questions raised by voters that relate to warrant articles and to matters over which the Town Manager exercises any supervision.
- (o) To reorganize, consolidate or abolish, in the manner provided in Article 5, Town agencies

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<sup>5</sup> See Massachusetts General Laws Chapter 40, § 49

serving under the supervision of the Town Manager, in whole or in part, provide for new Town agencies and provide for a reassignment of powers, duties and responsibilities among such agencies so established or existing.

- (p) To coordinate the activities of all Town agencies serving under the office of Town Manager and the office of Board of Selectmen with those under the control of other officers and multiple member bodies elected directly by the voters. For this purpose, the Town Manager shall have the authority to require the persons so elected, or their representatives, to meet with the Town Manager at reasonable times for the purpose of effecting coordination and cooperation among all agencies of the town.
- (q) The Town Manager shall, with the approval and at the direction of the Selectmen, have the authority to prosecute, defend or compromise all litigation of the town.
- (r) Subject to the approval of the Board of Selectmen the Town Manager may, with compensation, if any, as determined by the Board of Selectmen, assume the powers, duties and responsibilities of any office which he is authorized to fill by appointment. Such assumption to be evidenced by and effective upon the filing with the Town Clerk of a written declaration of such assumption signed by the Town Manager, except he shall not appoint himself as a member of any board or committee.
- (s) It shall be the responsibility of the Town Manager on his own initiative, or upon the request of any Town officer, to seek out and review those state, federal, regional and all other grants which may be of benefit to the Town. The Town Manager shall be the authority responsible for reviewing and completing all applications for such grants, except as otherwise authorized by statute. Once drafted, the Town Manager shall notify the Board of Selectmen of all grant applications and shall submit for their approval all grant applications requiring a financial commitment from the Town.
- (t) To perform any other duties as are required to be performed by the Town Manager by by-laws, administrative code, votes of the Town Meeting, or votes of the Board of Selectmen, or otherwise.
- (u) The Town Manager shall ensure that the Board of Selectmen is kept fully informed of the Town's emergency preparedness planning. In time of public danger or emergency, the Town Manager shall direct and oversee the management of Town resources pursuant to any applicable state law, regulation, or other protocol(s), directive(s), or agreement(s) to which the Town is a signatory and/or participant. Should the Town Manager be unavailable, the Board of Selectmen shall perform such duties as may be necessary in such circumstances.

### **Section 4-3: Delegation of Authority**

The Town Manager may authorize any subordinate officer or employee to exercise any power or perform any function or duty except the power to enter into contracts or the power to transfer funds which is assigned to the office of Town Manager, provided however, that all acts performed under any such delegation shall at all times be deemed to be the acts of the Town Manager.

#### **Section 4-4: Acting Town Manager**

- (a) Temporary Absence – By letter filed with the Town Clerk, the Town Manager shall designate a qualified town administrative officer or employee to exercise the powers and perform the duties of Town Manager during a temporary absence. During a temporary absence, the Board of Selectmen may not revoke such designation until at least ten working days have elapsed, whereupon it may appoint another qualified Town administrative officer or employee to serve until the Town Manager shall return.
- (b) Vacancy – Any vacancy other than a temporary absence in the office of Town Manager shall be filled as soon as possible by the Board of Selectmen but, pending such regular appointment, the Board of Selectmen shall appoint a qualified individual, not excluding a Town administrative officer or employee, to perform the duties of the office on an acting basis. Such temporary appointment may not exceed three (3) months, but one renewal may be voted by the Board of Selectmen not to exceed a second three (3) months. Compensation for such person shall be set by the Board of Selectmen.
- (c) Powers and Duties – The power of temporary or acting Town Manager, under (a) and (b) above, shall be limited to matters not admitting of delay and shall include authority to make temporary, emergency appointments or designations to Town office or employment but not to make permanent appointments or designations.

#### **Section 4-5: Removal and Suspension**

The Board of Selectmen may, by a four-fifths vote of the full board, terminate and remove, or suspend, the Town Manager from office in accordance with the following procedure:

- (a) The Board of Selectmen shall adopt a Preliminary Resolution of Removal by the affirmative vote of a majority of all its members, which must state the reason or reasons for removal. This Preliminary Resolution may suspend the Town Manager for a period not to exceed forty-five days. A copy of the resolution shall be delivered to the Town Manager forthwith.
- (b) Within five days after receipt of the Preliminary Resolution, the Town Manager may request a public hearing by filing a written request for such hearing with the Board of Selectmen. This hearing shall be held at a meeting of the Board of Selectmen not later than thirty days after the request is filed, nor earlier than twenty days. The Town Manager may file a written statement responding to the reasons stated in the Preliminary Resolution of Removal with the Board of Selectmen, provided the same is received at its office more than forty-eight hours in advance of the public hearing.
- (c) The Board of Selectmen may adopt a Final Resolution of Removal by the four-fifths affirmative vote of the full board not less than ten days nor more than twenty-one days, following the date of delivery of a copy of the Preliminary Resolution to the Town Manager, if the Town Manager has not requested a public hearing; or within ten days following the close of the public hearing if the Town Manager requested one. Such Final Resolution of Removal may be made effective immediately. Failure to adopt a Final Resolution of Removal within the time periods as provided in this section shall nullify the Preliminary Resolution of Removal and the Town Manager shall, at the expiration of said

time, forthwith resume the duties of the office.

The Town Manager shall continue to receive a salary until the effective date of a Final Resolution of Removal.

The action of the Board of Selectmen in suspending or removing the Town Manager shall be final, it being the intent of this provision to vest all authority and fix all responsibility for such suspension or removal solely in the Board of Selectmen.

## **ARTICLE 5 ADMINISTRATIVE ORGANIZATION**

### **Section 5-1: Organization of Town Agencies**

The organization of the Town into operating agencies for the provision of services and the administration of the government may be accomplished through either of the methods provided in this article.

- (a) By-Laws – Subject to the general laws of the Commonwealth and the provisions of this Charter, the Town Meeting may, by by-law, reorganize, consolidate, create, merge, divide or abolish any Town agency, in whole or in part; establish such new Town agencies as it deems necessary or advisable, determine the manner of selection, the term of office and prescribe the functions of all such entities; provided however, that no function assigned by this Charter to a particular Town agency may be discontinued, or unless this Charter specifically so provides, assigned to any other.
- (b) Administrative Code – The Town Manager, after consultation with the Board of Selectmen, may from time to time prepare and submit to the Town Meeting, plans of organization or reorganization which establish operating divisions for the orderly, efficient or convenient conduct of the business of the Town.

Whenever the Town Manager prepares such a plan, the Board of Selectmen shall hold one or more public hearings on the proposal giving notice by publication in a local newspaper, which notice shall describe the scope of the proposal and the time and place at which the hearing will be held, not less than seven nor more than fourteen days following said publication. Following such public hearing, the proposal, which may have been amended subsequent to the public hearing, shall be submitted to the Town Meeting by an appropriate warrant article.

An organization or reorganization plan shall become effective at the expiration of sixty days following the date of adjournment of the Town Meeting at which the proposal is submitted unless the Town Meeting shall, by a majority vote, disapprove the plan. The Town Meeting may vote only to approve or to disapprove the plan and may not vote to amend or to alter it.

The Town Manager, unless expressly prohibited by the general laws of the Commonwealth or this Charter, may, through the administrative code, reorganize, consolidate or abolish any Town agency, in whole or in part; establish such new Town agencies as is deemed necessary to the same extent as is provided in Section 5-1(a) above, for by-laws; and for such purpose transfer the duties and powers and, so far as is consistent with the use for which the funds were voted by the Town, transfer the appropriation of one Town agency to another; provided however, that no

function assigned by this Charter to a particular Town agency may be discontinued or, unless this Charter specifically so provides, assigned to any other.

#### **Section 5-2: Publication of Administrative Code and Personnel Plan**

For the convenience of the public, the administrative code and any amendments thereto shall be printed as an appendix to, but not an integral part of, the by-laws of the Town of Salisbury. The personnel and staffing plan as prepared by the Town Manager, in conformity with Section 4-2(c), shall be published annually in the Town Report.<sup>6</sup>

#### **Section 5-3: Merit Principle**

All appointments and promotions of Town officers and employees shall be made solely on the basis of merit and fitness demonstrated by examination or other evidence of competence and suitability.

#### **Section 5-4: Contracts with the Town**

It shall be unlawful for any Selectman, the Town Manager, or any other elective or appointive official of the town, directly or indirectly, to make a contract with the Town, or to receive any reward from, or any share in the profits of, any person or corporation making or performing such contract, unless the official concerned, immediately upon learning of the existence of such contract, or that such a contract is proposed, shall notify the Selectmen and the Town Manager, by registered mail, of the contract and of the nature of his interest therein, and shall abstain from doing any official act on behalf of the Town in reference thereto. In case such interest exists on the part of an officer whose duty it is to make such a contract on behalf of the Town, the contract may be made by another officer of the Town duly authorized thereto by vote of the Selectmen. Violation of any provision of this section shall render the contract in respect to which such violation occurs voidable at the option of the Town. In all cases, all such contracts or rewards of such contracts with the Town shall be in full compliance with all the statutes of the Commonwealth of Massachusetts and all ruling and regulations of the State Ethics Commission.

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<sup>6</sup> See Massachusetts General Laws Chapter 40, § 49

### **Section 5-5: Fees Paid to Treasury**

The aggregate compensations of each Town officer or employee appointed by the Town Manager shall be limited to the amount established in accordance with the provisions of this Charter, and all fees received in accordance with the provisions of any general or special law shall be paid into the treasury of the Town and disbursed to the appropriate person or authority in accordance with the laws.

### **Section 5-6: Department of Public Works**

- (a) Establishment and Scope – There shall be a Department of Public Works, headed by a Director of Public Works, who shall be either the Town Manager or a person appointed by the Town Manager. The appointment of a Director of Public Works shall be by the Town Manager. The Director of Public Works so appointed shall be a person especially fitted by education, training, or previous experience to perform the duties of the office.

The Director of Public Works shall be responsible for the supervision and coordination of all public works operations of the Town which are placed under his control by this Charter, by by-law, by vote of the Town, or otherwise. Public Works operations may include, but need not be limited to, the following operations: refuse collection and disposal, forestry services, protection of natural resources, maintenance of all municipal buildings, grounds, property and facilities, including maintenance of school buildings and grounds upon request of the Triton Regional School District Committee, cemeteries, parks, salt marsh areas and recreation areas, conservation areas, public shade trees, water supply and distribution, sewers and sewerage systems, streets, roads, sidewalks and highway drainage systems, and engineering services. Other activities and functions which are related to a department of public works may from time to time be assigned to the department in accordance with by-laws or an administrative code, as provided in Section 5-2.

- (b) Policy Formulation – The Board of Selectmen, acting through the Town Manager, shall be responsible for the overall supervision of the Department of Public Works, and for the establishment of policies and other guidelines to govern the operation of the department.

### **Section 5-7: Department of Finance and Administration [Amended 10-27-2003 ATM by Art. 10]**

- (a) Establishment and Scope – There shall be a Department of Finance and Administration, headed by a Finance Director/Town Accountant, who shall be either the Town Manager or a person appointed by the Town Manager responsible for the efficient coordination and implementation of the Town's financial and administrative functions as established by this

Charter, by by-law, by administrative code, or otherwise, including but not limited to the following functions: accounting, treasurer, collections, including parking receipts and fines, assessing, Town Clerk, data processing, and purchasing.

- (b) Finance Director/Town Accountant – The Department of Finance and Administration shall be under the direct control of a Finance Director/Town Accountant who shall be directly responsible to the Town Manager. The Finance Director/Town Accountant shall serve at the discretion of the Town Manager. He shall be a person especially fitted by education, training and previous experience to perform the duties of the office.

The Finance Director/Town Accountant shall be responsible for the supervision and coordination of all divisions within the department in accordance with state statutes, Town by-laws, administrative code and directives of the Town Manager

- (c) Policy Formulation – The Board of Selectmen, acting through the Town Manager, shall be responsible for the overall supervision of the Department of Finance and Administration and for the establishment of policies and other guidelines to govern the operation of the department.

## **ARTICLE 6**

### **FINANCE AND FISCAL PROCEDURES**

#### **Section 6-1: Fiscal Year**

The fiscal year of the Town shall begin on the first day of July and shall end on the last day of June, unless another period is required by General Law.

#### **Section 6-2: Regional School Districts Budgets**

The Triton Regional School District Committee and the Whittier Regional Vocational School District Committee shall create and submit their proposed budgets in accordance with their respective regional district agreements and state law.<sup>7</sup>

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<sup>7</sup> MGL Chapter 71 §16-16I and 603 CMR 41.00

### **Section 6-3: Submission of Budget and Budget Message**

Within the time fixed by by-law, before the Town Meeting is to convene in its spring session, the Town Manager, after consultation with the Board of Selectmen, shall submit to the Warrant Advisory Committee a proposed budget message and supporting documents. The Town Manager shall simultaneously provide for publication in a local newspaper, a general summary of the proposed budget. The summary shall specifically indicate any major variations from the current operating budget and the reason for such changes. The notice shall further indicate the times and places at which complete copies of the proposed operating budget are available for examination by the public both electronically and in print.

### **Section 6-4: Budget Message**

The budget message of the Town Manager shall explain the budget for all Town agencies, both in fiscal terms and in terms of work programs. It shall outline proposed financial policies of the Town for the ensuing fiscal year, describe important features of the budget, indicate any major variations from the current year in financial policies, expenditures and revenues, together with the reasons for such changes, summarize the Town's debt position and include other material as the Town Manager deems desirable, or the Selectmen may reasonably require.

### **Section 6-5: The Budget**

The proposed operating budget shall provide a complete financial plan for all Town funds and activities for the ensuing fiscal year. Except as may otherwise be required by General Law or this Charter, it shall be in the form which the Town Manager deems desirable or the Selectmen may require. In the presentation of the budget, the Town Manager shall utilize modern concepts of fiscal presentation so as to furnish maximum information and the best financial control. The budget shall show in detail all estimated income from the proposed property tax levy and other sources and all proposed expenditures, including debt service, for the following year. The budget shall be arranged to show the actual and estimated income and expenditures for the previous, current and ensuing fiscal years, and shall indicate in separate sections:

- (a) Proposed expenditures for current operations during the ensuing fiscal year, detailed by Town agency and position in terms of work programs, and the method of financing such expenditures.
- (b) Proposed capital expenditures during the ensuing fiscal year, detailed by Town agency, and the proposed method of financing each such capital expenditure and a summary of the proposed capital improvements program.
- (c) Estimated surplus revenue and free cash at the end of the current fiscal year, including estimated balances in any special accounts established for specific purposes.



#### **Section 6-6: Action on the Budget**

- (a) Public Hearing – Forthwith upon its receipt of the proposed operating budget, the Warrant Advisory Committee shall provide for publication in a local newspaper and posting electronically and in print, a notice stating the time and place, not less than seven days, nor more than fourteen days, following such publication, at which it will hold a public hearing on the proposed operating budget as submitted.
- (b) Review – The Warrant Advisory Committee shall consider, in open public meeting, the detailed expenditures proposed for each Town agency and may confer with representatives of each such agency in connection with its review and consideration. The Warrant Advisory Committee may require the Town Manager, or any other Town agency, to furnish such additional information as the Warrant Advisory Committee may deem necessary to assist in its review and consideration of the proposed operating budget.
- (c) Action by Town Meeting – The Warrant Advisory Committee shall file a report with the Town Clerk containing its recommendations for actions on the proposed operating budget, which report shall be published electronically and in print at least seven days before the date on which the Town Meeting acts on the proposed budget. When the budget proposed by the Town Manager is before the Town Meeting for action, it shall first be subject to amendments, if any, proposed by the Warrant Advisory Committee before any other amendments shall be proposed.

#### **Section 6-7: Capital Improvement Program**

The Town Manager shall submit a capital improvement program to the Board of Selectmen and the Warrant Advisory Committee at least one hundred fifty days before the start of each fiscal year. It shall include:

- (a) a clear and concise general summary of its contents;
- (b) a list of all capital improvements proposed to be undertaken during the next ensuing five years, with supporting information as to the need for each capital improvement;
- (c) cost estimates, methods of financing and recommended time schedules for each improvement
- (d) the estimated annual cost of operating and maintaining each facility and piece of major equipment involved.

The information is to be revised annually by the Town Manager with regard to the capital improvements still pending, or in the process of being acquired, improved, or constructed.

### **Section 6-8: Approval of Warrants**

Warrants for the payment of Town funds prepared by the Town Accountant in accordance with the provisions of the General Laws, shall be submitted to the Town Manager for review prior to submission of same to the Board of Selectmen for approval.

### **Section 6-9: Financial Public Records**

Statements summarizing the budget and the capital improvement program and related warrant articles, as adopted by the Town Meeting, shall be made available electronically, and in print at the office of the Town Clerk, for examination by the public not more than ten days after their adoption.

## **ARTICLE 7 GENERAL PROVISIONS**

### **Section 7-1: Charter Changes**

This Charter may be replaced, revised or amended in accordance with Chapter 43B of the General Laws, "Home Rule Procedures Act," and any other procedures made available under the State Constitution and any statutes enacted to implement the said constitutional provisions.

### **Section 7-2: Severability**

The provisions of this Charter are severable. If any provision of this Charter is held invalid, the other provisions of this Charter shall not be affected thereby. If the application of this Charter or any of its provisions to any person or circumstance is held invalid, the application of this Charter and its provisions to other persons and circumstances shall not be affected thereby.

### **Section 7-3: Specific Provisions to Prevail**

To the extent that any specific provision of this Charter shall conflict with any provision expressed in general terms, the specific provisions shall prevail.

### **Section 7-4: Number and Gender**

Words importing the singular number may extend and be applied to several persons or things; words importing the plural number may include the singular; words importing the feminine gender shall include the masculine gender; words importing the masculine gender shall include the feminine gender.

## **Section 7-5: Definitions**

Unless another meaning is clearly apparent from the manner in which the word is used, the following words as used in this Charter shall have the following meanings:

- (a) Charter – The word "Charter" shall mean this Charter and any amendments to it, which may hereafter be adopted.
- (b) Commonwealth – The word "Commonwealth" shall mean the Commonwealth of Massachusetts.
- (c) Days – The word "days" shall refer to business days, not including Saturdays, Sundays, and legal holidays when the time set is less than seven days. When the time set is seven days or more, every day shall be counted.
- (d) Electronically - The words “electronically” or “electronically and in print” shall mean that the document or report shall be made publically available for download on the internet, preferably on the Town of Salisbury’s website and a printed copy may be obtained from the Town Clerk’s office.
- (e) Emergency – The word "emergency" shall mean a sudden, unexpected, unforeseen happening, occurrence, event or condition which necessitates immediate action.
- (f) general laws – The words "general laws" (all lower case letters) shall mean laws which apply alike to all cities and towns, or to a class of municipalities of which Salisbury is a member.
- (g) General Laws – The words "General Laws" (used with initial capital letters) shall refer to the General Laws of Massachusetts, a codification and revision of statutes enacted on December 22, 1920, and including all amendments thereto subsequently adopted.
- (h) Local Newspaper – The words “local newspaper” shall mean a newspaper of general circulation in the Town of Salisbury.
- (i) Majority Vote – The words "majority vote" shall mean a majority of those present and voting, provided that a quorum of the body is present when the vote is taken, except as otherwise provided by general law.
- (j) Multiple Member Body – The words "multiple member body" shall mean any Town body consisting of two or more persons and whether styled board, commission, committee, subcommittee, or otherwise and however elected or appointed, or otherwise constituted.
- (k) Quorum – The word "quorum," unless otherwise required by law or this Charter, shall mean a majority of the members of a multiple member body then in office, not including any vacancies, which might then exist.

- (l) Town – The word "town" shall mean the Town of Salisbury.
- (m) Town Agency – The words "Town agency" shall mean any board, commission, committee, department, division, or office of the Town government.
- (n) Town Bulletin Board – The words "Town bulletin board" shall mean the bulletin board in the Town Hall on which official Town notices are posted and those at other locations within the Town, which may from time to time be designated as Town bulletin boards by by-law, or by vote of the Board of Selectmen.
- (o) Town officer – The words "Town officer", when used without further qualification or description, shall mean a person having charge of an office or department of the Town who, in the exercise of the powers or duties of that position, exercises some portion of the sovereign power of the Town.
- (p) Voters – The word "voters" shall mean registered voters of the Town of Salisbury.
- (q) Vacancies – A "vacancy" in an office shall mean notification of death, permanent disability to serve, resignation, or no longer residing in the Town where residency is a requirement of the office.

#### **Section 7-6: Rules and Regulations**

A copy of all rules and regulations adopted by any Town agency shall be filed in the office of the Town Clerk before any such rule or regulation shall become effective, and copies shall be made available for review by any person who requests such information. No rule or regulation adopted by any Town agency shall become effective until ten days following the date it has been so filed in the office of the Town Clerk.

#### **Section 7-7: Periodic Review, Charter and By-Laws**

- (a) Charter Review – At least once in every ten (10) years, in each year ending in a nine, a special committee appointed by the Town Moderator shall be established for the purpose of reviewing this Charter and to make a report, with recommendations, to the Town Meeting concerning any proposed amendments which said committee may determine to be necessary or desirable. The committee members shall be selected from registered voters of the Town.
- (b) By-Law Review – The Board of Selectmen shall at least at five (5) year intervals, in each year ending in five, or in zero, cause to be prepared by a special committee appointed for that purpose, a proposed revision or recodification of all by-laws of the Town which shall be presented to the Town Meeting for re-enactment not later than at the Fall Town Meeting in the year following the year in which the said committee is appointed. The said committee in its final or in an interim report shall include recommendations for such substantive changes in Town By-Laws as it deems necessary or advisable. The review of Town By-Laws shall be in conjunction with the Town Counsel, or, by special counsel retained for that purpose. Subsequent to enactment by the Town Meeting, copies of the revised By-Laws shall be forwarded to the Attorney General of the Commonwealth for approval, and they shall be otherwise published, all as required as general laws. Copies of

the revised By-Laws shall be made available for distribution to the public.

#### **Section 7-8: Removals and Suspensions**

Any appointed officer, member of a multiple member body, or employee of the Town, not subject to the provisions of the State Civil Service law, or covered by the terms of a collective bargaining agreement which provides a different method, and whether appointed for a fixed or an indefinite term, may be suspended or removed from office, without compensation, by the appointing authority for good cause. The term "cause" shall include, but not be limited to, incapacity other than temporary illness, inefficiency, insubordination, and conduct unbecoming to the office.

Any appointed officer, member of a multiple member body, or employee of the Town may be suspended from office by the appointing authority if such action is deemed by said appointing authority to be necessary to protect the interests of the Town. However, no suspension shall be for more than fifteen days. Suspension may be conterminous with removal and shall not interfere with the rights of the officer or employee under the removal procedure given below.

The appointing authority, when removing any such officer, member of a multiple member body or employee of the Town, shall act in accordance with the following procedure:

- (a) A written notice of the intent to remove and a statement of the cause or causes therefore shall be delivered in hand, or by registered mail or certified mail, return receipt requested, to the last known address of the person sought to be removed.
- (b) Within five days following delivery of such notice the officer, member of a multiple member body, or employee of the Town may request a public hearing at which such person may be represented by counsel, shall be entitled to present evidence, call witnesses, and question any witnesses appearing at the hearing.
- (c) Between one and ten days after the public hearing is adjourned, or if the officer, member of a multiple member body or employee of the Town fails to request a public hearing between six and fifteen days after delivery of the notice of intent to remove, the appointing authority shall take final action, either by removing the officer, member of a multiple member body, or employee of the Town, or notifying such person that the notice is rescinded. Failure of the appointing authority to take any action within the time periods as stated in this section shall be deemed to be a rescission of the original notice and the officer, member of a multiple member body, or employee shall, forthwith, be reinstated.

Nothing in this section shall be construed as granting a right to such a hearing when a person who has been appointed for a fixed term is not re-appointed when the original term expires.

#### **Section 7-9: Procedures Governing Multiple Member Bodies**

- (a) Meetings – All multiple member bodies shall meet regularly at such times and places within the Town as they may by their own rules prescribe. Except in cases of emergency, special meetings of any multiple member body shall be held on the call of the respective

chairman, or by one-third of the members thereof, by suitable written notice or e-mail delivered to the residence or place of business of each member at least forty-eight hours in advance of the time set. A copy of the notice shall also be posted on the Town bulletin board(s). Special meetings of any multiple member body shall also be called within one week after the date of the filing with the Town Clerk of a petition signed by at least fifty voters, which states the purpose or purposes for which the meeting is to be called. Except as authorized by law, all meetings of all multiple member bodies shall be open and public. All meetings shall be held in places to which members of the public have a convenient right of access.

- (b) Agendas – At least forty-eight hours before any meeting of a multiple member body is to be held, an agenda containing all items, which are scheduled to come before the multiple body at the meeting shall be posted on the Town bulletin board. No action taken on a matter not included in the posted agenda shall be effective unless the multiple member body first adopts, by a separate vote, a resolution declaring that the particular matter must be acted upon at that meeting for the immediate preservation of the peace, health, safety, or convenience of the Town.
- (c) Rules and Journal – Each multiple member body shall determine its own rules and order of business, unless otherwise provided by this Charter or by by-law and shall provide for keeping a journal of its proceedings. These rules and journals shall be public records and, forthwith, following their approval by the multiple member body, certified copies shall be placed on file, electronically or in print, in the office of the Town Clerk and, for the convenience of the public, kept available for inspection at the public library. In the absence of written rules or instruction in this Charter or general law, the body will operate under Roberts Rules of Order.
- (d) Voting – Except on procedural matters, all votes of all multiple member bodies shall be taken by a call of the roll and the vote of each member shall be recorded in the journal, provided, however, that if the vote is unanimous only that fact need be recorded.
- (e) Quorum – A majority of the members of the multiple member body then in office shall constitute a quorum, but a smaller number may adjourn from time to time and may compel the attendance of absent members in the manner and subject to the penalties prescribed by the rules of the multiple member body. No other action of the multiple member body shall be valid or binding unless ratified by the affirmative vote of the majority of the full multiple member body.
- (f) Filling of Vacancies – Whenever a vacancy shall occur in the membership of an appointed multiple member body the remaining members shall forthwith give written notice of such vacancy to the appointing authority. If, at the expiration of thirty days following delivery of such notice to the appointing authority said appointing authority has not appointed some person to fill the vacancy, the remaining members of the multiple member body shall fill such vacancy for the remainder of any unexpired term by majority vote of the remaining members.
- (g) Composition of Multiple Member Bodies – All multiple member bodies, when established, shall be composed of voters in the Town of Salisbury and have an odd number of members. Whenever the terms of office of a multiple member body extend for more than one year, such terms of office shall be so arranged that as nearly an equal

number of terms as is possible will expire each year. Full-time town employees shall not serve on multiple member bodies that provide policies or guidance to the employee's Town agency. Notwithstanding the foregoing, town employees and non-voters may serve on the Board of Assessors, the Beach Overlay District Design Review Committee, Ad Hoc committees, and as advisory (non-voting) members of other multiple member bodies.

#### **Section 7-10: Notice of Vacancies**

Whenever a vacancy occurs in any Town office, position, or employment, or whenever by reason of a pending retirement or expiration of a fixed term a vacancy can be anticipated, the appointing authority shall forthwith cause public notice of such vacancy to be posted electronically and on the Town bulletin board for not less than ten days and, at the discretion of the appointing authority, published in the local newspaper. Such notice shall contain a description of the duties of the office, position or employment and a listing of the necessary or desirable qualifications to fill the office, position, or employment. No permanent appointment to fill such office, position or employment shall be effective until fourteen days following the date such notice was posted to permit reasonable consideration of all applicants. This section shall not apply to positions covered by the civil service law and rules or if in conflict with the provisions of any collective bargaining agreement.

#### **Section 7-11: Loss of Office, Excessive Absence**

If any person appointed to serve as a member of a multiple member body shall fail to attend four or more consecutive meetings, or one-half or more of all of the meetings of such body held in one calendar year, the remaining members of the multiple member body may, by a majority vote of the remaining members of such body, declare the office to be vacant, provided, however, that not less than ten days prior to the date said vote is scheduled to be taken the body

has given in hand, or mailed by registered or certified mail, return receipt requested, notice of such proposed or pending vote to the last known address of such person.